

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1509

IN THE MATTER OF:

| | | |
|---------------------------------|---|----------------------|
| Application of AAA DELIVERY & |) | Served March 1, 1976 |
| CHARTER SERVICE for Temporary |) | |
| Authority to Perform Special |) | Application No. 916 |
| Operations |) | |
| |) | |
| Application of AAA DELIVERY & |) | |
| CHARTER SERVICE for Certificate |) | |
| of Public Convenience and |) | Application No. 917 |
| Necessity to Perform Special |) | |
| Operations |) | |

By Applications No. 916 and 917, filed February 13, 1976, AAA Delivery & Charter Service (AAA Delivery) seeks temporary authority pursuant to the provisions of Title II, Article XII, Section 4(d) of the Compact and a certificate of public convenience and necessity pursuant to Title II, Article XII, Section 4(b) of the Compact. AAA Delivery proposes to transport passengers, together with their baggage, over irregular routes, in special operations, between Bethesda, Gaithersburg, and Potomac, Maryland, and Dulles International Airport (Dulles) and Washington National Airport (National) each located within the Commonwealth of Virginia.

AAA Delivery would render the proposed transportation services in 6 passenger station wagons. As part of its application, AAA Delivery has submitted the following fare structure:

| | Dulles | National |
|-------------|-----------|--------------|
| Bethesda | | |
| one person | \$ 12 | \$ 8 |
| two persons | \$ 7 each | \$ 4.50 each |
| or more | | |

| | Dulles | National |
|--------------|-----------|--------------|
| Gaithersburg | | |
| one person | \$ 14 | \$ 14 |
| two persons | \$ 8 each | \$ 8 each |
| or more | | |
| Potomac | | |
| one person | \$ 12 | \$ 10 |
| two persons | \$ 7 each | \$ 5.50 each |
| or more | | |

AAA Delivery would not operate any scheduled route service between fixed termini. Rather, the service would consist of persons telephoning requests for a pick-up to be transported. AAA Delivery has stated in support of its temporary authority application that the proposed service is not being provided and that there is a need to serve the community both economically and to conserve fuel.

The proposed service contains several facets of a taxicab service. Cf. Application of GEORGE'S LIMOUSINE SERVICE for Authority to Perform Charter Operations Pursuant to Contract, Order No. 1445, served July 25, 1975, at page 3. The Compact, Title II, Article XII, Section 2(d) defines a taxicab as follows:

The term "taxicab" means any motor vehicle for hire (other than a vehicle operated, with the approval of the Commission, between fixed termini on regular schedules) designed to carry eight persons or less, not including the driver, used for the purpose of accepting or soliciting passengers for hire in transportation subject to this Act, along the public streets and highways, as the passengers may direct. (Emphasis added.)

The vehicles to be used by AAA Delivery are designed to carry eight persons or less, not including the driver. The proposed service would be operated in such a manner as to provide transportation pursuant to requests. The vehicle clearly would be subject to the directives of the passengers. Moreover, the vehicle would not be operated between fixed termini on regular schedules.

In Application of BELTWAY LIMOUSINE SERVICE, INC., for Certificate of Public Convenience and Necessity, Order No. 1425, served May 12, 1975, the Commission certificated Beltway to perform appointment only limousine service between Dulles or National on the one hand, and on the other, three specified hotels or motels in Montgomery County and ten specified hotels or motels in Prince George's County, Md. The Commission found that Beltway's proposed service was not a taxicab operation excluded from the certificating provisions of Title II, Article XII of the Compact. The service currently performed by Beltway is similar to that proposed by AAA Delivery to the extent that each would involve prior requests for the service. This feature also is common to taxicab operations. However, Beltway was restricted to fixed termini and could not accept requests for service from any point within a specified area located in the Metropolitan District. In addition, Beltway provides its service between specified termini in 12 or 15 passenger vehicles.

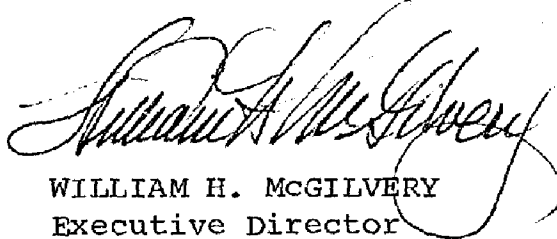
The Commission believes that the public interest does not require approval of the proposed service. The transportation would not be between fixed termini. AAA Delivery's proposed service constitutes a taxicab operation. The Commission has no jurisdiction to issue a certificate of public convenience and necessity to a taxicab operator to provide taxicab service. See Compact, Title II, Article XII, Section 1(c). That jurisdiction has been retained by the local governments of the signatory parties to the Compact. Accordingly, the Commission shall deny the application for temporary authority to perform special operations and the application for a certificate of public convenience and necessity to perform special operations.

THEREFORE, IT IS ORDERED:

1. That Application No. 916 of AAA Delivery and Charter Service for temporary authority to perform special operations be, and it is hereby, denied.

2. That Application No. 917 of AAA Delivery & Charter Service for a certificate of public convenience and necessity to perform special operations be, and it is hereby, denied.

BY DIRECTION OF THE COMMISSION:

A handwritten signature in cursive script, appearing to read "William H. McGilvery", is written over the typed name and title.

WILLIAM H. MCGILVERY
Executive Director